

United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

PAUL LESEVIC, an individual, on behalf
of himself and on behalf of all persons
similarly situated,

Plaintiff,

v.

SPECTRAFORCE TECHNOLOGIES INC.,

Defendant.

Case No. 19-CV-03126-LHK

**ORDER GRANTING MOTION FOR
FINAL APPROVAL OF CLASS
SETTLEMENT**

Re: Dkt. No. 81

Before the Court is Plaintiffs’ motion for final approval of class settlement (“Settlement”). ECF No. 81. On October 30, 2020, the Court preliminarily approved the Settlement, ECF No. 76 (“Preliminary Approval Order”). On April 8, 2021, the Court held a hearing to consider final approval of the Settlement. Having considered all the briefing, the arguments of counsel, the relevant law, and the record in this case, the Court hereby GRANTS Plaintiffs’ motion for final approval of the Settlement and makes determinations as follows:

1 1. Federal Rule of Civil Procedure 23(c)(2)(B) requires that the settling parties
2 provide class members with “the best notice that is practicable under the circumstances, including
3 individual notice to all members who can be identified through reasonable effort. The notice must
4 clearly and concisely state in plain, easily understood language: (i) the nature of the action; (ii) the
5 definition of the class certified; (iii) the class claims, issues, or defenses; (iv) that a class member
6 may enter an appearance through an attorney if the member so desires; (v) that the court will
7 exclude from the class any member who requests exclusion; (vi) the time and manner for
8 requesting exclusion; and (vii) the binding effect of a class judgment on members under Rule
9 23(c)(3).” The Court finds that the notice program, which was direct notice to class members via
10 U.S. Mail, has been implemented in compliance with this Court’s Preliminary Approval Order and
11 complies with Rule 23(c)(2)(B).

12 2. On October 30, 2020, this Court issued a Preliminary Approval Order preliminarily
13 approving the Settlement and finding that the proposed Settlement Class meets the requirements of
14 Rule 23 for the purposes of settlement. ECF No. 53 at 4. The Settlement Class is defined as “all
15 individuals who are or previously were employed by Defendant in California as a non-exempt
16 employee from April 19, 2015 through May 31, 2020 (the ‘Class Period’).” The Court finds that
17 the Settlement Class meets the Rule 23 requirements and certifies the Settlement Class.

18 3. The Court further finds that the terms of the Settlement are fair, reasonable and
19 adequate to the Settlement Class and to each Settlement Class Member. As of the filing of the
20 motion for final approval, there were no objections and only one opt out. ECF No. 81-2 at 4.
21 Settlement Class Members who did not timely submit opt out forms will be bound by the
22 Settlement.

23 4. The Court finds that the distribution plan is fair, adequate, and reasonable. Here,
24 the amount of payments to each participating Settlement Class Member will be calculated based
25 on each Settlement Class Member’s share of the Net Settlement Amount, as determined by the
26

number of workweeks worked by each Settlement Class Member during the Class Period. If a Settlement Class Member does not cash his or her settlement check within 180 days, the uncashed funds will be paid to the California Controller's Unclaimed Property Fund to be held in the name of and for the benefit of the Settlement Class Member who did not cash his or her check. ECF No. 81-1 at 48.

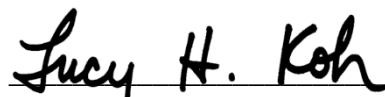
5. The Court finds that the settlement administrator's fees are fair and reasonable.

6. The Settlement is ordered finally approved. All terms and provisions of the Settlement should be and hereby are ordered to be consummated.

7. Without affecting the finality of this order in any way, the Court retains jurisdiction of all matters relating to the interpretation, administration, implementation, effectuation and enforcement of this order and the Settlement.

IT IS SO ORDERED.

Date: April 23, 2021



LUCY H. KOH
United States District Judge